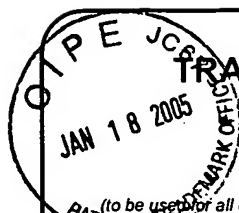


01-21-05

1636

PTO/SB/21 (09-04)



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/026,331

Filing Date

December 21, 2001

First Named Inventor

Hitoshi, Yasumichi

Art Unit

1636

Examiner Name

Akhavan, Ramin (Ray)

Attorney Docket Number

021044-001310US

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a Provisional Application



Power of Attorney, Revocation Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC



Appeal Communication to Board of Appeals and Interferences



Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify below):

Return Postcard



Certified Copy of Priority Document(s)



Reply to Missing Parts/ Incomplete Application



Reply to Missing Parts under 37 CFR 1.52 or 1.53

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Annette S. Parent

Date

January 18, 2005

Reg. No.

42,058

CERTIFICATE OF TRANSMISSION/MAILING

Express Mail Label: EV 606 078 163 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date January 18, 2005 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Typed or printed name

Marta R. Vanegas

Date

January 18, 2005

60400392 v1



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PATENT
Docket No.: 021044-001310US

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By: Marta Vanegas
Marta R. Vanegas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HITOSHI et al.

Application No.: 10/026,331

Filed: December 21, 2001

For: MRE11: MODULATION OF
CELLULAR PROLIFERATION

Examiner: Akhavan, Ramin (Ray)

Art Unit: 1636

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed December 15, 2004, Applicants elect Group II, claims 8-41, drawn to a method of identifying a compound that modulates cellular proliferation or chemosensitivity.

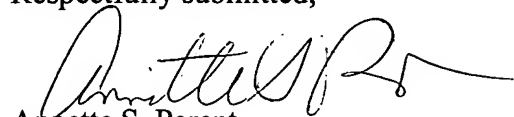
The foregoing election is made with traverse, as the seven groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups I-VII would not place a substantially greater burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

HITOSHI et al.
Application No.: 10/026,331
Page 2

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Arnette S. Parent
Reg. No. 42,058

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